

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KASHMIR SINGH,

Petitioner,

V.

LORETTA LYNCH, et al.,

Respondents.

NO. C15-1057-JLR-JPD

REPORT AND RECOMMENDATION

Petitioner, a native and citizen of India, filed the instant habeas corpus petition pursuant to 28 U.S.C. § 2241, seeking release from immigration detention at the Northwest Detention Center in Tacoma, Washington. Dkt. 1. Respondent has moved to dismiss, arguing that the petition is moot because petitioner has since been released on supervision. Dkt. 7. Through counsel, petitioner filed a response, agreeing that his petition is now moot. Dkt. 8.

Under Article III of the U.S. Constitution, federal courts may adjudicate only actual, ongoing cases or controversies. *Deakins v. Monaghan*, 484 U.S. 193, 199 (1988). Where the court can no longer grant effective relief, it lacks jurisdiction and must dismiss the case as moot. See, e.g., *Cox v. McCarthy*, 829 F.2d 800, 805 (9th Cir. 1987); *Enrico's, Inc. v. Rice*, 730 F.2d 1250, 1254 (9th Cir. 1984). Because petitioner has already been granted the ultimate relief sought—release from detention—his claim must be denied as moot. See *Abdala v.*

1 *I.N.S.*, 488 F.3d 1061, 1065 (9th Cir. 2007) (claims are moot where court cannot provide the
2 requested relief).

3 Accordingly, the Court recommends that respondents' motion to dismiss, Dkt. 7, be
4 GRANTED, petitioner's habeas petition, Dkt. 1, be DENIED as moot, and this action be
5 DISMISSED without prejudice. A proposed order accompanies this Report and
6 Recommendation.

7 Objections to this Report and Recommendation, if any, should be filed with the Clerk
8 and served upon all parties to this suit by no later than **October 13, 2015**. Failure to file
9 objections within the specified time may affect your right to appeal. Objections should be
10 noted for consideration on the District Judge's motion calendar for the third Friday after they
11 are filed. Responses to objections may be filed within **fourteen (14)** days after service of
12 objections. If no timely objections are filed, the matter will be ready for consideration by the
13 District Judge on **October 16, 2015**.

14 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
15 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
16 assigned District Judge acts on this Report and Recommendation.

17 DATED this 29th day of September, 2015.

18 
19 JAMES P. DONOHUE
20 Chief United States Magistrate Judge

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